



# MED-NET CONCEPTS LETTER ©

*Where Compliance and Ethics, Risk Management/Safety, Quality Assurance and Performance Improvement, Reimbursement and Law Come Together.*

Vol. 1, Issue 1

July 26, 2018

Dear Colleague,

Awareness is the first step toward an effective Compliance, Risk Management, Quality Assurance, Performance Improvement, and Law program. The following true reports are intended to broaden your understanding and awareness of potential exposures of liability throughout healthcare settings with the expectation that, as a starting point, forewarned is forearmed.

We believe a first-hand opinion of our sector of healthcare provides invaluable insight into the daily challenges facing our community.

Remember, it is important to immediately report any abuse of residents, no matter the circumstances.

Please contact us for additional information as well as to discuss potential proactive programs to detect, prevent, and mitigate potential exposures and damages.

## ALERTS



Immigration and Customs Enforcement (ICE) is increasing actions to curb unauthorized immigration. Employers can get more information to adjust to increased oversight here.

### ***Patient records exposed in speech recognition software breach***

A data breach of speech recognition software containing thousands of individual data records occurred after a former employee gained unauthorized access. Information such as care plans, treatments, and patient numbers were compromised in the breach. A press release on May 11th stated that 900 Department of Health patients in San Francisco were impacted by the breach.

**Compliance and Ethics perspective:** Data security must include immediate termination of former employee access to protected health information.

### ***Owner of a Michigan home health agency pleads guilty for playing a part in Medicare kickback scheme***

After being found to have conducted illegal kickbacks involving Medicare payments, an owner of a Michigan health agency plead guilty to one count of conspiracy to pay and receive healthcare kickbacks. A total of \$1.8 million is estimated to have been lost by Medicare as a result. The specific amount lost will be determined during sentencing.

**Compliance and Ethics perspective:** Vendors that offer to provide patient referrals must be carefully scrutinized to ensure that the relationship is structured in such a way as not to violate the federal anti-kickback statute.

### ***New York Couple to pay fines for providing foreign and unapproved drugs to patients***

A doctor and office manager, who are also married, must pay fines of \$7,500 and \$3,000 for use of misbranded drugs. The oncology drugs came from foreign sources and were not approved by the U.S Food and Drug Administration for administering to patients.

**Compliance and Ethics perspective:** Receiving and using misbranded drugs, while submitting to the federal government for reimbursement, constitutes a false claim.

***A New York medical center had a total of \$550,00 stolen after a worker defrauded Medicaid, faked timesheets***

A woman allegedly conspired with a former employee of a not-for-profit hospital in falsifying time sheets, essentially providing the appearance that the woman was working for the facility. During this time, the woman was paid for a job she did not do. The woman provided kickbacks to the former employee via cashbacks. Additionally, during both 2014 and 2015, the woman applied for Medicaid benefits which resulted in approximately \$30,000 in false claims. Lastly, the woman was found to have owed \$40,000 in taxes after failing to file any personal income taxes. Should the woman be convicted, she faces between 5 and 15 years in prison for stealing from a community hospital, defrauding Medicaid, and failing to pay income taxes.

**Compliance and Ethics perspective:** When investigating fraud, be open to the possibility that more than one individual is involved and take into account fraudulent behavior often involves more than one individual.

***Florida nursing home lawyers don't show up for records hearing***

Lawyers for a Florida nursing home missed a records hearing personally requested by the lawyers themselves. A number of residents of the nursing home died during Hurricane Irma and as a result, the Florida health department was ordered to produce the death certificates of the deceased. The health department is charging approximately \$6,000 for the documents, a price that is currently being disputed by the nursing home lawyers.

**Risk management perspective:** The timing of medical records releases is governed by both CMS and state regulations.

Yours truly,



**David S. Barmak, JD, CEO.**

# UPCOMING EDUCATION PROGRAMS

- Sexual Harassment
- Clinical Documentation

## MED-NET CONCEPTS' EDITORIAL BOARD

- |                                                                   |                                                     |
|-------------------------------------------------------------------|-----------------------------------------------------|
| • Barbara Bates, MSN, RAC-CT, DNS – MT, CQP – MT                  | • Jo Ann Halberstadter, Esq.                        |
| • David S. Barmak, JD, CEO                                        | • Jeannine LeCompte, Publisher                      |
| • Sylvia Bennett, RN, BSN, CDONA/LTC, FACDONA, CDP, CADDCT, IP-BC | • R. Louise Lindsey, A.A., B.S., M.A., D.D., Editor |
| • Betty Frandsen, MHA, RN, NHA                                    | • Rona Wiedmayer, M.A., CCC-SLP                     |
| • Marshall Goldberg, SC.D, LNHA                                   | • Linda Winston, RN, MSN, BS, DNS-MT, RAC-CT        |
| • Marianna Kern Grachek, MSN, RN, NHA, HSE                        |                                                     |

## AFFILIATES

### Med-Net Academy, LLC

- Education Programs
- E-learning
- On-site
- Webinar
- Videoconference

### Med-Net Compliance, LLC

- Compliance and Ethics Programs
- Mentoring
- Compliance/Privacy Officer Mentoring

### Med-Net Healthcare Consulting, LLC

- Quality Assurance Performance Programs
- Administrator/Director of Nursing mentoring

### Med-Net IPA, LLC

- Network of healthcare providers
- Managed care organization contracting

### Med-Net Rehabilitation Solutions, LLC

- Rehabilitation/Reimbursement Programs
- Director of Rehabilitation Mentoring

### Med-Net Risk Management, LLC

- Risk Management/Safety Programs
- Administrator/Human Resource Mentoring